

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

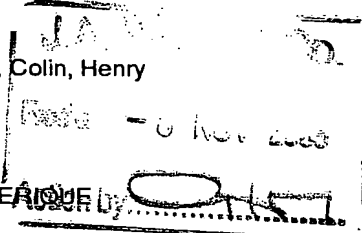
PCT

NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

MERRYWEATHER, Colin, Henry
J.A. Kemp & Co.
14 South Square
Gray's Inn
London WC1R 5JJ
ETATS-UNIS D'AMERIQUE



Date of mailing (day/month/year)
27 October 2005 (27.10.2005)

Applicant's or agent's file reference
N.88313A CHM

IMPORTANT NOTICE

International application No.
PCT/GB2004/001553

International filing date (day/month/year)
08 April 2004 (08.04.2004)

Priority date (day/month/year)
09 April 2003 (09.04.2003)

Applicant

KELLY, Joseph, Steven

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Nora Lindner

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 89 65

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference N.88313A CHM	FOR FURTHER ACTION	See item 4 below
International application No. PCT/GB2004/001553	International filing date (<i>day/month/year</i>) 08 April 2004 (08.04.2004)	Priority date (<i>day/month/year</i>) 09 April 2003 (09.04.2003)]
International Patent Classification (IPC) or national classification and IPC F16B 21/08, A47K 13/12, 13/26		
Applicant KELLY, Joseph, Steven		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

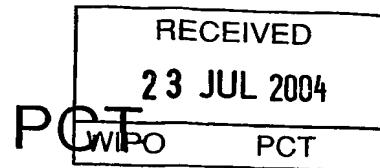
- | | | |
|-------------------------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input checked="" type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Date of issuance of this report 14 October 2005 (14.10.2005)</td> </tr> <tr> <td style="padding: 5px;">Authorized officer Nora Lindner</td> </tr> <tr> <td style="padding: 5px;">Telephone No. +41 22 338 89 65</td> </tr> </table>	Date of issuance of this report 14 October 2005 (14.10.2005)	Authorized officer Nora Lindner	Telephone No. +41 22 338 89 65
Date of issuance of this report 14 October 2005 (14.10.2005)				
Authorized officer Nora Lindner				
Telephone No. +41 22 338 89 65				

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY



To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/001553

International filing date (day/month/year)
08.04.2004

Priority date (day/month/year)
09.04.2003

International Patent Classification (IPC) or both national classification and IPC
F16B21/08, A47K13/12, A47K13/26

Applicant
KELLY, Joseph Steven

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Isailovski, M

Telephone No. +49 89 2399-7263



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/001553

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/001553

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-6,8-12,14,15,17,18,20,22,24
	No: Claims	1,7,13,16,19,21,23,25,26,27
Inventive step (IS)	Yes: Claims	24
	No: Claims	2-6,8-12,14,15,17,18,20,22
Industrial applicability (IA)	Yes: Claims	1-27
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

1. Reference is made to the following documents:

D1: US-A-4 080 671
D2: CA-A-2 305 976
D3: DE 26 58 953 A

2. Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 2.1 In the light of the documents cited in the international search report, the subject-matter of **claims 1-23,25-27** does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and /or to involve an inventive step.
- 2.1.1 At this regard, reference is made with respect to **claims 1, 7, 13, 16, 19, 23, 25-27** to document **D1** (figures and column 1, line 39 - column 2, line 28; see also the claims)(Art.33(2) PCT); to **claims 1, 23, 25-27** see also document **D2** (in particular the figures, page 4, line 10 - page 8, line 2)(Art.33(2) PCT); to **claims 1, 7, 13, 16, 17, 19, 21, 23, 25-27** see **D3** (in particular the figures and the claim 4; see page 5, line 23 - page 10, line 5)(Art.33(2) PCT).
- 2.1.2 Inasmuch as the features of **the remaining claims** (apart from claim 24) are not directly known from the documents cited in the search report, they obviously concern only minor modifications thereto which come within the customary practice followed by a person skilled in the art of constructing fittings or installing toilet seats, and which therefore cannot be regarded as **inventive** (Article 33(3) PCT).
- 2.2 The subject-matter of claim **24**, solving the problem of assisting the holding in place of the fittings and reducing the sideways slippage of the same fittings, seems to be **novel and inventive** (Art.33(2) and (3)) thereby fulfilling the requirements of Article 33(1) PCT.

- 2.3. The subject-matter according to any of claims 1-27 is industrially applicable (Art. 33(4) PCT).

3. **Re Item VII**

Certain defects in the international application

- 3.1 To meet the requirements of Rule 6.3(b) PCT, the independent claims should have been properly casted in the two part form, with those features which in combination are part of the prior art being placed in the preamble (see D1 or D3).
- 3.2 Reference signs in parentheses should have been inserted in the claims to increase their intelligibility; this applies to both the preamble and characterising portion (Rule 6.2(b) PCT).